

IN THE UNITED STATES ARMY
FIRST JUDICIAL CIRCUIT

UNITED STATES

v.

MANNING, Bradley E., PFC

U.S. Army, (b) (6)

Headquarters and Headquarters Company, U.S.

Army Garrison, Joint Base Myer-Henderson Hall,
Fort Myer, VA 22211

**DEFENSE REVISED NOTICE OF
PLEA AND FORUM**

DATED: 23 October 2012

In accordance with the Rules of Practice before Army Courts-Martial, PFC Manning, by and through his attorney hereby serves notice to the Government and Court of anticipated plea, requested forum, and expected motions. By way of this plea, the Defense waives any objection under *United States v. Borunda*, 67 M.J. 607 (A.F.Ct.Crim.App. 2009) regarding whether Clause 1 and 2 of Article 134 is a lesser included offense of Specifications 2,3,5,7,9,10,11, and 15 of Charge II. The Defense also waives any objection that Article 121, UCMJ, preempts Clause 1 and 2 of Article 134 as a lesser included offense of Specifications 4,6,8,12, and 16.

Plea:

To the Specification of Charge I and to Charge I: Not Guilty;

To Specification 1 of Charge II: Guilty, except the words and figures "1 November 2009" and "27 May 2010", substituting therefore the words and figures "3 February 2010" and "4 May 2010"; further excepting the words "wantonly cause to be published on the internet intelligence belonging to the United States government, having knowledge that intelligence published on the internet is accessible to the enemy", substituting therefore the words "wrongfully gave information belonging to the United States government to WikiLeaks, knowing that WikiLeaks might publish the information on the internet, having knowledge that information published on the internet is accessible to anyone with internet access,"; to the excepted words and figures, Not Guilty; to the substituted words and figures, Guilty.

(Revised Specification 1 of Charge II: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, between on or about 3 February 2010 and on or about 4 May 2010, wrongfully gave information belonging to the United States government to WikiLeaks, knowing that WikiLeaks might publish the information on the internet, and having knowledge that information published on the internet is accessible to anyone with internet access, such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.)

To Specification 2 of Charge II: Guilty, except the words and figures “15 February 2010” and “5 April 2010”, substituting therefore the words and figures “14 February 2010” and “21 February 2010”; further excepting the words “information relating to the national defense, to wit:”; further excepting the words “with reason to believe such information could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicate, deliver, transmit, or cause to be communicated, delivered, or transmitted,”, substituting therefore the words “did willfully communicate”; further excepting the words and figures, “in violation of 18 U.S. Code Section 793(e),”; to the excepted words and figures, Not Guilty; to the substituted words and figures, Guilty.

(Revised Specification 2 of Charge II: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, between on or about 14 February 2010 and on or about 21 February 2010, having unauthorized possession of a video file named “12 JUL 07 CZ ENGAGEMENT ZONE 30 CG Anyone.avi”, did willfully communicate the said information, to a person not entitled to receive it, such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.)

To Specification 3 of Charge II: Guilty, except the words and figures “22 March 2010” and “26 March 2010”, substituting therefore the words and figures “17 March 2010” and “22 March 2010”; further excepting the words “information relating to the national defense, to wit:”; further excepting the words “with reason to believe such information could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicate, deliver, transmit, or cause to be communicated, delivered, or transmitted,”, substituting therefore the words “did willfully communicate”; further excepting the words and figures “in violation of 18 U.S. Code Section 793(e),”; to the excepted words and figures, Not Guilty; to the substituted words and figures, Guilty.

(Revised Specification 3 of Charge II: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, between on or about 17 March 2010 and on or about 22 March 2010, having unauthorized possession of more than one classified memorandum produced by a United States government intelligence agency, did willfully communicate the said information, to a person not entitled to receive it, such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.)

To Specification 4 of Charge II: Guilty, except the words and figures “between on or about 31 December 2009 and on or about 5 January 2010”, substituting therefore the words and figures, “on or about 5 January 2010”; further excepting the words and figures, “steal, purloin, or knowingly convert to his use or the use of another a record or thing of value of the United States or of a department or agency thereof, to wit: the Combined Information Data Network Exchange Iraq database containing more than 380,000 records belonging to the United States government, of a value of more than \$1,000, in violation of 18 U.S. Code Section 641,”, substituting therefore the words and figures “remove from a tactical sensitive compartmentalized information facility, for an unauthorized purpose, more than 380,000 records belonging to the United States government from the Combined Information Data Network Exchange Iraq database, of a value

of \$500 or less,”; to the excepted words and figures, Not Guilty; to the substituted words and figures, Guilty.

(Revised Specification 4 of Charge II: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, on or about 5 January 2010, remove from the tactical sensitive compartmented information facility, for an unauthorized purpose, more than 380,000 records belonging to the United States government from the Combined Information Data Network Exchange Iraq database, of a value of \$500.00 or less, such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.)

To Specification 5 of Charge II: Guilty, except the words and figures “31 December 2009” and “9 February 2010”, substituting therefore the words and figures “5 January 2010” and “3 February 2010”; further excepting the words “information relating to the national defense, to wit:”; further excepting the words “with reason to believe such information could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicate, deliver, transmit, or cause to be communicated, delivered, or transmitted,”, substituting therefore the words, “did willfully communicate”; further excepting the words and figures “in violation of 18 U.S. Code Section 793(e),”; to the excepted words and figures, Not Guilty; to the substituted words and figures, Guilty.

(Revised Specification 5 of Charge II: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, between on or about 5 January 2010 and on or about 3 February 2010, having unauthorized possession of more than twenty classified records from the Combined Information Data Network Exchange Iraq database, did willfully communicate the said information, to a person not entitled to receive it, such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.)

To Specification 6 of Charge II: Guilty, except the words and figures “between on or about 31 December 2009 and on or about 8 January 2010”, substituting therefore the words and figures “on or about 5 January 2010”; further excepting the words and figures “steal, purloin, or knowingly convert to his use or the use of another, a record or thing of value of the United States or of a department or agency thereof, to wit: the Combined Information Data Network Exchange Afghanistan database containing more than 90,000 records belonging to the United States government, of a value of more than \$1,000, in violation of 18 U.S. Code 641,”, substituting therefore the words and figures “remove from the tactical sensitive compartmentalized information facility, for an unauthorized purpose, more than 90,000 records belonging to the United States government from the Combined Information Data Network Exchange Afghanistan database, of a value of \$500.00 or less,”; to the excepted words and figures, Not Guilty; to the substituted words and figures, Guilty.

(Revised Specification 6 of Charge II: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, on or about 5 January 2010, remove from the tactical sensitive compartmented information facility, for an unauthorized purpose, more than 90,000 records belonging to the United States government from the

Combined Information Data Network Exchange Afghanistan database, of a value of \$500.00 or less, such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.)

To Specification 7 of Charge II: Guilty, except the words and figures “31 December 2009” and “9 February 2010”, substituting the words and figures “5 January 2010” and “3 February 2010”; further excepting the words “information relating to the national defense, to wit:”; further excepting the words “with reason to believe such information could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicate, deliver, transmit, or cause to be communicated, delivered, or transmitted,”, substituting therefore the words “did willfully communicate”; further excepting the words and figures “in violation of 18 U.S. Code 793(e),”; to the excepted words and figures, Not Guilty; to the substituted words and figures, Guilty.

(Revised Specification 7 of Charge II: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, between on or about 5 January 2010 and on or about 3 February 2010, having unauthorized possession of more than twenty classified records from the Combined Information Data Network Exchange Afghanistan database, did willfully communicate the said information, to a person not entitled to receive it, such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.)

To Specification 8 of Charge II: Guilty, except the words and figures “steal, purloin, or knowingly convert to his use or the use of another, a record of thing of value of the United States or of a department or agency thereof, to wit: a United States Southern Command database containing more than 700 records belonging to the United States government, of a value of more than \$1,000, in violation of 18 U.S. Code 641,”, substituting therefore the words “remove from the tactical sensitive compartmentalized information facility, for an unauthorized purpose, more than 700 records belonging to the United States government from the United States Southern Command database, of a value of \$500 or less,” to the excepted words and figures, Not Guilty; to the substituted words and figures, Guilty.

(Revised Specification 8 of Charge II: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, on or about 8 March 2010, remove from the tactical sensitive compartmented information facility, for an unauthorized purpose, more than 700 records belonging to the United States government from the United States Southern Command database, of a value of \$500.00 or less, such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.)

To Specification 9 of Charge II: Guilty, except the words and figures “between on or about 8 March 2010 and on or about 27 May 2010”, substituting therefore the words and figures “on or about 8 March 2010”; further excepting the words “information relating to the national defense, to wit:”; further excepting the words “with reason to believe such information could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicate, deliver, transmit, or cause to be communicated, delivered, or transmitted,”,

substituting therefore the words “did willfully communicate”; further excepting the words and figures “in violation of 18 U.S. Code 793(e)”; to the excepted words and figures, Not Guilty; to the substituted words and figures, Guilty.

(Revised Specification 9 of Charge II: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, on or about 8 March 2010, having unauthorized possession of more than three classified records from a United States Southern Command database, did willfully communicate the said information, to a person not entitled to receive it, such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.)

To Specification 10 of Charge II: Guilty, except the words and figures “11 April 2010” and “27 May 2010”, substituting therefore the words and figures “10 April 2010” and “12 April 2010”; further excepting the words “information relating to the national defense, to wit:”; further excepting the words “with reason to believe such information could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicate, deliver, transmit, or cause to be communicated, delivered, or transmitted,” substituting therefore the words “did willfully communicate”; further excepting the words and figures “in violation of 18 U.S. Code Section 793(e)”; to the excepted words and figures, Not Guilty; to the substituted words and figures, Guilty.

(Revised Specification 10 of Charge II: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, between on or about 10 April 2010 and on or about 12 April 2010, having unauthorized possession of more than five classified records relating to a military operation in Farah Province, Afghanistan occurring on or about 4 May 2009, did willfully communicate the said information, to a person not entitled to receive it, such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.)

To Specification 11 of Charge II: Guilty, except the words and figures “1 November 2009” and “8 January 2010”, substituting therefore the words and figures “10 April 2010” and “12 April 2010”; further excepting the language “information relating to the national defense, to wit:”; further excepting the language “with reason to believe such information could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicate, deliver, transmit, or cause to be communicated, delivered, or transmitted,” substituting therefore the language “did willfully communicate”; further excepting the language “in violation of 18 U.S. Code Section 793(e)”; to the excepted words and figures, Not Guilty; to the substituted words and figures, Guilty.

(Revised Specification 11 of Charge II: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, between on or about 10 April 2010 and on or about 12 April 2010, having unauthorized possession of a file named “BE22 PAX.zip” containing a video named “BE22 PAX.wmv”, did willfully communicate the said information, to a person not entitled to receive it, such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.)

To Specification 12 of Charge II: Guilty, except the words and figures “steal, purloin, or knowingly convert to his use or the use of another, a record or thing of value of the United States or of a department or agency thereof, to wit: the Department of State Net-Centric Diplomacy database containing more than 250,000 records belonging to the United States government, of a value of more than \$1,000, in violation of 18 U.S. Code Section 641”, substituting therefore the words and figures “remove from the tactical sensitive compartmentalized information facility, for an unauthorized purpose, more than 250,000 records belonging to the United States government from the Department of State Net-Centric Diplomacy database, of a value of \$500.00 or less,” to the excepted words and figures, Not Guilty; to the substituted words and figures, Guilty.

(Revised Specification 12 of Charge II: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, between on or about 28 March 2010 and on or about 4 May 2010, remove from the tactical sensitive compartmented information facility, for an unauthorized purpose, more than 250,000 records belonging to the United States government from the Department of State Net-Centric Diplomacy database, of a value of \$500.00 or less, such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.)

To Specification 13 of Charge II: Guilty, except the words and figures “27 May 2010”, substituting therefore the words and figures “4 May 2010”; further excepting the words “knowingly exceeded authorized access on a Secret Internet Protocol Router Network computer, and by means of such conduct having obtained information that has been determined by the United States government pursuant to an Executive Order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, to wit:”, substituting therefore the words “unauthorized possession of”; further excepting the words “willfully communicate, deliver, transmit, or cause to be communicated, delivered, or transmitted”, substituting therefore the words “did willfully communicate”; further excepting the words “with reason to believe that such information so obtained could be used to the injury of the United States, or to the advantage of any foreign nation, in violation of 18 U.S. Code Section 1030(a)(1)”; to the excepted words and figures, Not Guilty; to the substituted words and figures, Guilty.

(Revised Specification 13 of Charge II: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, between on or about 28 March 2010 and on or about 4 May 2010, having unauthorized possession of more than seventy-five classified United States Department of State cables, did willfully communicate the said information, to a person not entitled to receive it, such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.)

To Specification 14 of Charge II: Guilty, except the words and figures “15 February 2010” and “18 February 2010”, substituting therefore the words and figures “14 February 2010” and “15 February 2010”; further excepting the words “knowingly exceeded authorized access on a Secret Internet Protocol Router Network computer, and by means of such conduct having

obtained information that has been determined by the United States government pursuant to an Executive order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, to wit:”; substituting therefore the words, “unauthorized possession of”; further excepting the words “willfully communicate, deliver, transmit, or cause to be communicated, delivered, or transmitted”, substituting therefore the words “did willfully communicate”; further excepting the words and figures “with reason to believe that such information so obtained could be used to the injury of the United States, or to the advantage of any foreign nation, in violation of 18 U.S. Code Section 1030(a)(1),”; to the excepted words and figures, Not Guilty; to the substituted words and figures, Guilty;

(Revised Specification 14 of Charge II: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, between on or about 14 February 2010 and on or about 15 February 2010, having unauthorized possession of a classified United States Department of State cable titled “Reykjavik-13”, did willfully communicate the said information, to a person not entitled to receive it, such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.)

To Specification 15 of Charge II: Guilty, except the words and figures “between on or about 15 February 2010 and on or about 15 March 2010”, substituting therefore the words and figures “on or about 8 March 2010”; further excepting the words “information relating to the national defense, to wit:”; further excepting the words “with reason to believe such information could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicate, deliver, transmit, or cause to be communicated, delivered, or transmitted,”, substituting therefore the words “did willfully communicate”; further excepting the words and figures “in violation of 18 U.S. Code Section 793(e),”; to the excepted words and figures, Not Guilty; to the substituted words and figures, Guilty.

(Revised Specification 15 of Charge II: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, on or about 8 March 2010, having unauthorized possession of a classified record produced by a United States Army intelligence organization, dated 18 March 2008, did willfully communicate the said information, to a person not entitled to receive it, such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.)

To Specification 16 of Charge II: Not Guilty.

To Charge II: Guilty.

To Specification 1 of Charge III: Not Guilty.

To Specification 2 of Charge III: Not Guilty.

To Specification 3 of Charge III: Not Guilty.

To Specification 4 of Charge III: Not Guilty.

To Specification 5 of Charge III: Guilty.

To Charge III: Guilty.

Forum:

Trial by Military Judge Alone.

Maximum Punishment:

The maximum punishment authorized in this case, based solely on PFC Manning's guilty plea is: to forfeit all pay and allowances, to be reduced to Private, E-1, to be confined for 1,290 months (107 years and six months), and to be dishonorably discharged from the service.

Expected Motions:

Motion to Dismiss: Speedy Trial under Article 10 and RCM 707;

Motion to Dismiss: Unlawful Pretrial Punishment under Article 13; and

Motion to Dismiss: Unreasonable Multiplication of Charges for Findings and Sentencing (after announcement of Findings).

Respectfully submitted,

DAVID EDWARD COOMBS
Civilian Defense Counsel